

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

GERMAIN D. NDONGO,

Plaintiff,

v.

Civil Action No. **3:09CV664**

COMMONWEALTH OF VIRGINIA ATTORNEY GENERAL,

Defendant.

MEMORANDUM OPINION

By Memorandum Order entered on November 13, 2009, the Court conditionally docketed Plaintiff's action. In that Memorandum Order, the Court directed Plaintiff, *inter alia*, to complete and return an affidavit in support of his request to proceed *in forma pauperis* to the Court. On November 20, 2009, the November 13, 2009 Memorandum Order was returned to the Court by the United States Postal Service marked "Return to Sender" and "MOVED WITHOUT FORWARDING ADDRESS." Plaintiff's failure to keep the court apprised of his current address indicates a lack of interest in prosecuting this action. *See* Fed. R. Civ. P. 41(b). Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall issue.

Date: DEC 17 2009
Richmond, Virginia

<u>/s/</u> Richard L. Williams United States District Judge
